

REMARKS/ARGUMENTS

Claims 1, 10-12, 14 and 15 are pending in the present application. In the Office Action mailed September 26, 2005, the Examiner rejected claim 1 under 35 U.S.C. § 101. The Examiner also rejected claims 10, 11, 12, 14 and 15 under 35 U.S.C. § 102.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

I. Claim 1 Rejected Under 35 U.S.C. § 101

Claim 1 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter due to the presence of the term “a computer readable medium method.” Accordingly, claim 1 has been amended to eliminate this phrase and to adopt the Examiner’s suggested language. Withdrawal of this rejection is respectfully requested.

II. Claims 10, 11, 12, 14 and 15 Rejected Under 35 U.S.C. § 102(b)

The Examiner rejected claims 10, 11, 12, 14 and 15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,909,215 to Berstis *et al.* (hereinafter, “Berstis”). This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited prior art reference in that the cited reference, Berstis, does not disclose all of the limitations in these

claims. Specifically, as a result of this paper, claims 10, 11, 12, 14 and 15 have been amended to recite that the second error message “contains buttons that allow or require user selection.” Support for this amendment is found throughout the filed specification including, for example, page 15, line 9–page 16, line 4, page 8, lines 12–21, and page 11, lines 9–14.

Such a limitation, however, is not found in Berstis. On the contrary, Berstis teaches that after the message in the queue has been searched, the system will then re-format/replace the message with a new message that does not require the user to press any buttons or take any action. *See e.g.*, Berstis, Col, 8, lines 25-50. In fact, Berstis teaches a system that will send a new message to display in which “the necessary programs or procedures are initiated to take corrective action without requiring the user to initiate the actions.” *Id.* at col. 8, lines 47-50. *See also* Berstis, Col, 7, lines 32-41 (Berstis’ system reformats the message and “automatically takes the necessary corrective action....For example, if typically the applications sends an error that results in a message being displayed along with an OK button in a window, the hook function will sent the appropriate response to the application indicating that the OK button has been depressed”, thereby obviating the need for the user to press any buttons.)

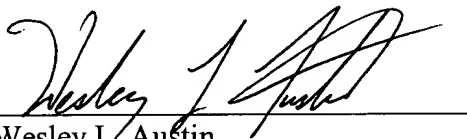
Thus, because Berstis directly discloses a system in which the new message sent to the display does not “contains buttons that allow or require user selection,” this reference clearly does not disclose all of the limitations found in claims 10-12, 14 and 15. As such, this reference cannot anticipate these claims under 35 U.S.C. 102. Withdrawal of this rejection is respectfully requested.

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Reply to Office Action of September 26, 2005

III. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', written over a horizontal line.

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